IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3144 OF 2002
IN
INCOME TAX APPEAL (L) NO.954 OF 2002

The Commissioner of Income-tax-3
Mumbai .. Appellant

V/s.

M/s.Dipti Textile Inds. Ltd. .. Respondent.

Mr.Ashok Kotangale for the appellant.

Mr.J.D. Mistry with Mr.Raj Darak for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2005.

P.C. :

1. Pursuant to our order dated September 27, 2005, Mr.A.R. Shrivardhankar, Income Tax Officer 3(3)(1) has filed an affidavit which again contradicts the earlier statements made in the affidavit dated September 23, 2005. However, considering the substantial explanation offered by him in the affidavit is accepted and he is warned to be careful in future while filing affidavits in the Courts.

2. Copy of this order be sent to the Commissioner of Income Tax 3(3)(1) for taking proper note thereof.

3. Heard parties on condonation of delay. For the reasons stated in the affidavit, delay in filing the appeal is condoned. The appeal be placed for admission.

4. Needless to mention that personal attendance of the notice is dispensed with.

5. The notice of motion is disposed of with no order as to costs.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)